

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JERROD DODD,

Plaintiff,

v.

Case No: 2:21-cv-765-JES-NPM

UNITED STATES OF AMERICA,

Defendant.

OPINION AND ORDER

This matter comes before the Court on review of defendant's Motion to Dismiss Plaintiff's Complaint (Doc. #36) filed on February 9, 2022. Defendants seek to dismiss the Complaint on the basis that this Court lacks subject matter jurisdiction because Plaintiff did not exhaust all administrative remedies before filing this lawsuit, as required under the Federal Tort Claims Act, 28 U.S.C. § 2675(a). (Doc. #36, pp. 4-6.)

Plaintiff filed a Response (Doc. #42) on March 2, 2022. In his Response, Plaintiff states that he has reviewed Defendant's Motion and case law cited therein and agrees with Defendant that the Complaint in this matter was filed prematurely. Plaintiff therefore requests that the Court dismiss his Complaint without prejudice. (Id., p. 1.)

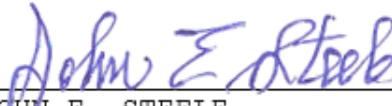
Because Defendant's motion to dismiss is unopposed by Plaintiff, the motion will be granted.

Accordingly, it is now

ORDERED:

1. Defendants' Motion to Dismiss Plaintiff's Complaint (Doc. #36) is **GRANTED**.
2. The Complaint (Doc. #1) is **DISMISSED without prejudice**.
3. The Clerk shall enter judgment, terminate all deadlines, and close the case.

DONE AND ORDERED at Fort Myers, Florida, this 3rd day of March, 2022.



JOHN E. STEELE
SENIOR UNITED STATES DISTRICT JUDGE

Copies:
Counsel of record